

REMARKS

The present application was filed on December 11, 2001 with claims 1-25. Claims 1-25 are currently pending in the application. Claims 1 and 22-25 are the independent claims.

In the Office Action, claims 2 and 3 are rejected under 35 U.S.C. §112 as being indefinite. In addition, claims 1-7, 9, 10, 17 and 19-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,711,400 to Aura (hereinafter "Aura"). Finally, claims 8, 11-16 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aura in view of U.S. Patent No. 5,016,274 to Micali et al. (hereinafter "Micali").

In response to the §112 rejection of claims 2 and 3, Applicants respectfully traverse, but nonetheless amend the claims to expedite prosecution.

Applicants respectfully traverse the §§102(e) and 103(a) rejections.

With respect to the §102(e) rejection, Applicants initially note that the Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In formulating the §102(e) rejection of claim 1, the Examiner argues that each and every element of this claim is anticipated by Aura. More specifically, the Examiner states:

As per claims 1 and 22-25 Aura discloses a method for use in generating digital signatures in an information processing system, the system including at least a user device, an intermediary device and a verifier, the method comprising the steps of:

Generating in the user device a first digital signature; [Figure 4, reference "405" and ref. Num "SRES1"] and **sending the first digital signature to the verifier;** [figure 4, ref. Num "406"] **wherein the verifier sends the first digital signature to the intermediary device,** [figure 4, ref. Num "407" and ref. Num "SRES1"] and **the intermediary device checks that**

the first digital signature is a valid digital signature for the user device [figure 4, ref. Num “408”] and if the first digital signature is valid generates a second digital signature [figure 4, ref. Num “SRES2”] which is returned to the verifier as a signature generated by the user device [Figure 4, ref. “SRES2” and Num “409”].

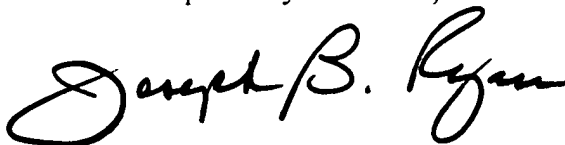
With this statement, the Examiner apparently argues that element 406 in Aura’s FIG. 4 is analogous to the “verifier” element in claim 1, element 407 is analogous to the “intermediary device” element, and element 409 describes the returning to the verifier of a second digital signature generated by the intermediary device. Applicants respectfully disagree. Claim 1 requires, in part, that the intermediary device check “that the first digital signature is a valid digital signature for the user and if the first digital signature is valid” generate “a second digital signature which is returned to the verifier as a signature generated by the user device.” Assuming, as the Examiner does, that the intermediary device is represented by element 407 and the verifier is represented by element 406, this would mean that Aura’s figure would have to show a second digital signature going from element 407 to element 406 if that figure were to show a technique identical to that in claim 1. However, careful examination of FIG. 4 shows that neither element 407, nor 409, has an output terminating in element 406. In fact, element 406 only has one input, that originating in element 405 which the Examiner argues represents a first digital signature. As a result, Aura’s FIG. 4 is not functionally identical to the technique described in claim 1, and Aura does not anticipate claim 1 under §102(e).

Dependent claims 2-21 and independent claims 22-25 are believed allowable for reasons similar to those identified above with regard to independent claim 1.

With respect to the §103(a) rejection of dependent claims 8, 11-16 and 18 with reference to Aura in view of Micali, Applicants respectfully submit that the Micali reference fails to supplement the above-described fundamental deficiencies of Aura as applied to independent claim 1. Therefore, these claims would not have been obvious at the time the invention was made and the §103(a) rejection should be withdrawn

In view of the above, Applicants believe that claims 1-25 are in condition for allowance, and respectfully request the withdrawal of the §112, §102(e) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is written in a cursive style with a large, stylized initial "J".

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